

MACARONI PRODUCTS

1037. Misbranding of macaroni. U. S. v. 215 Cases of Macaroni. Consent decree of condemnation. Product released under bond for repackaging. (F. D. C. No. 2227. Sample No. 10936-E.)

This product was short weight.

On June 18, 1940, the United States attorney for the Southern District of New York filed a libel against 215 cases of macaroni at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 4, 1940, by the C. F. Mueller Co. from Jersey City, N. J.; and charging that it was misbranded. The article was labeled in part: (Cartons) "Mueller's Elbow Macaroni 9 Ounces * * * Guaranteed to conform with all pure food laws."

It was alleged to be misbranded in that the statement of weight on the label was false and misleading since it was incorrect; and in that the package did not bear an accurate statement of the quantity of the contents. It was alleged to be misbranded further in that the statement "Guaranteed to conform with all pure food laws" was false and misleading since the package did not conform with the Federal Food, Drug, and Cosmetic Act.

On September 6, 1940, the C. F. Mueller Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repacked in a manner complying with the law.

1038. Misbranding of macaroni. U. S. v. 22 Cases of Macaroni. Default decree of condemnation. Product sold to a charitable institution. (F. D. C. No. 2421. Sample No. 9276-E.)

This macaroni was of irregular length, the longest pieces being considerably shorter than the box. The boxes could have held an average of about 30 percent more macaroni than was present.

On or about July 26, 1940, the United States attorney for the Northern District of Texas filed a libel against 22 cases of macaroni at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about June 7, 1940, by the Skinner Manufacturing Co. from Omaha, Nebr.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Skinner's The Superior Long Macaroni."

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a charitable institution for a nominal sum.

1039. Misbranding of macaroni and spaghetti. U. S. v. 39 Cases of Macaroni and 59 Cases of Spaghetti. Consent decree of condemnation and destruction. (F. D. C. Nos. 2378, 2379. Sample Nos. 16257-E, 16258-E.)

The macaroni occupied on an average only about 67 percent and the spaghetti on an average only about 40 percent of the space of the cartons in which they were packed. Furthermore, they were both short of the declared weight.

On July 23, 1940, the United States attorney for the District of Kansas filed a libel against 39 cases of macaroni and 59 cases of spaghetti at Pittsburg, Kans., alleging that the articles had been shipped in interstate commerce on or about February 26, 1940, by the Midwest Macaroni Co. from Kansas City, Mo.; and charging that they were misbranded. They were labeled in part: (Cartons) "Midwest Brand Elbow Macaroni [or 'Spaghetti']."

The articles were alleged to be misbranded in that the statement on the labels, "7 Oz. Net Weight," was false and misleading since it was incorrect; in that they were in package form and did not bear an accurate statement of the quantity of the contents; and in that the containers were so made, formed, or filled as to be misleading.

On August 6, 1940, the consignee having consented to the entry of a decree, judgment was entered ordering destruction of the products.

1040. Misbranding of spaghetti. U. S. v. 46 Cases of Spaghetti. Consent decree of condemnation and destruction. (F. D. C. No. 2801. Sample No. 16691-E.)

This product occupied on an average about 69 percent of the capacity of the package.

On September 18, 1940, the United States attorney for the District of Kansas filed a libel against 46 cases of spaghetti at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about June, 14 1940, by the Domino Macaroni Co. from Springfield, Mo.; and charging that it was

misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Pan Tree Brand Spaghetti * * * Distributed by The Ranney-Davis Mercantile Co."

On October 5, 1940, the Ranney-Davis Mercantile Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1041. Misbranding of spaghetti. U. S. v. 400 Cases of Spaghetti. Consent decree of condemnation. Product ordered released under bond for re-packaging. (F. D. C. No. 2258. Sample No. 2785-E.)

This product occupied only about half the capacity of the package, and the statement of the quantity of the contents was inconspicuous.

On June 26, 1940, the United States attorney for the District of Rhode Island filed a libel against 400 cases of spaghetti at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about May 31, 1940, by the Prince Macaroni Manufacturing Co. from Lowell, Mass.; and charging that it was misbranded. The article was labeled in part: (Package) "White Spray Spaghetti Distributed By First National Stores, Inc. Somerville, Mass."

It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that the statement of the quantity of the contents required to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On August 22, 1940, the Prince Macaroni Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repacked under the supervision of the Food and Drug Administration.

1042. Misbranding of spaghetti dinner. U. S. v. 504 Cases of Spaghetti Dinner. Consent decree of condemnation. Product ordered released under bond to be repackaged. (F. D. C. No. 2242. Sample No. 1345-E.)

This product consisted of a package of spaghetti, a can of sauce, and a can of grated cheese enclosed in a carton. The carton had a false bottom which occupied about 30 percent of its capacity. The package containing the spaghetti was also deceptive since the spaghetti occupied less than 60 percent of the volume of the package.

On June 19, 1940, the United States attorney for the District of Maryland filed a libel against 504 cases of spaghetti dinner at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 7 and 31, 1940, by the Chef Boiardi Food Products from Milton, Pa.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Carton) "Lido Club Spaghetti Dinner."

On July 17, 1940, the Chef Boiardi Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged and not disposed of in violation of the law.

1043. Adulteration and misbranding of egg noodles and macaroni products. U. S. v. 220 Cartons of Egg Noodles and Macaroni Products. Consent decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 1081. Sample Nos. 68701-D to 68706-D, incl., 68708-D, 68709-D, 68711-D, 68712-D, 68714-D to 68720-D, incl., 68722-D to 68725-D, incl.)

These products contained a coal-tar color, tartrazine, which gave them the appearance of products containing a greater amount of egg than was actually present.

On or about November 28, 1939, the United States attorney for the District of Connecticut filed a libel against 220 cartons of egg noodles and macaroni products at West Haven, Conn., alleging that the articles had been shipped in interstate commerce within the period from on or about September 29 to on or about October 21, 1939, by Acme Egg Noodle Corporation from Long Island City, N. Y.; and charging that they were adulterated and misbranded. They were labeled in part, variously: "Dutch Maid Macaroni Products [or "Pure Egg Noodles"]"; or "Egg Noodles in Bulk Fine [or "Medium" or "Broad"]."

The articles were alleged to be adulterated in that a valuable constituent, egg, had been in part omitted therefrom; in that artificially colored products